IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 7934 of 2007(T)

OS.362/1998 of MUNSIFF COURT, PERUMBAVOOR
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PETITIONER:

K.V.CHERIYAN, S/O.VARGHESE,
AGED 58 (RETIRED), KOOLIYATTU HOUSE,
BRAHMAPURAM, PUTHENCRUZ VILLAGE, NOW RESIDING AT
BF-3 FACT TOWNSHIP, UDYOGAMANDAL,
VARAPUZHA VILLAGE, PARUR TALUK.

BY ADV. SRI.MATHEWS K.PHILIP

RESPONDENT:

M.C.BABU, S/O.CHACKO,
BUNSINESS, RESIDING AT MUKULATHU HOUSE,
VALAYANCHIRANGARA P.O., VENGOLA VILLAGE,
KUNNATHUNADU TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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W.P.(C)NO.7934 OF 2007

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Dated this the 9th day of March 2007

JUDGMENT

The petitioner is the judgment debtor in O.S.362/1998 on the file of the Munsiff's Court, Perumbavoor. It is submitted that the decree is fully satisfied and the decree holder moved Ext.P5 petition to raise attachment before judgment ordered vide Ext.P2 order and to communicate the same to the Sub Registrar's Office, Thrippunithura but that the court below without assigning any reason has by a cryptic order disallowed the prayer. The order is produced and that is Ext.P6 and it contains only a single word “rejected”. Now it is the judgment debtor who has come before this court complaining of such a dismissal of the decree holders petition.

2. It is worthy to note that Ext.P5 petition was filed before the trial court and not before the execution court. It is for the execution court to record full satisfaction of the decree but still since decree holder himself has filed Ext.P5 application before the trial court, it is submitted that the attachment could have been raised. The said argument also cannot be upheld as after

disposal of the suit it is not for the trial court to continue passing orders as there is no scope for passing such orders after decree.

In the result, without prejudice to the decree holder and the judgment debtor moving the execution court to record full satisfaction of the decree and to raise attachment, this writ petition is dismissed.

K.P.BALACHANDRAN, JUDGE

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